

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
v.)
CLARENCE AARON)
Crim. No. 93-00008

**DEFENDANT CLARENCE AARON'S MOTION
FOR RESENTENCING**

Defendant Clarence Aaron respectfully moves that the Court resentence him pursuant to 18 U.S.C. § 3582(c)(2).

The grounds for this motion are that:

1. In 1993, the Defendant was convicted of conspiracy to possess cocaine with intent to distribute and related offenses in violation of 21 U.S.C. §§ 841(a)(1) and 846, and 18 U.S.C. § 2.

2. The Defendant was sentenced under the then-mandatory United States Sentencing Guideline for crack cocaine (USSG § 2D1.1(c)) to imprisonment for three concurrent life sentences.

3. The United States Sentencing Commission has retroactively reduced this guideline (see USSG, Appendix C, Amendments 706, 712 and 713), thereby

entitling the Defendant to be resentenced by this Court pursuant to 18 U.S.C. § 3582(c)(2).

4. Pursuant to *United States v. Booker*, 543 U.S. 220, 245 (2005),

Sentencing Guidelines are no longer mandatory, and the Court should exercise its discretion to impose a sentence pursuant to 18 U.S.C. § 3553(a) that is sufficient but not greater than necessary to satisfy the goals set forth in that section.

5. The Defendant's crime was a first-time, non-violent drug offense. He had worked his way out of childhood in a housing project to attend college. At age 23, during his junior year, the Defendant participated for a matter of weeks in an established and ongoing drug distribution operation by introducing its kingpin, whom the Defendant knew from high school, to a drug supplier who was the brother of a college friend, and thereafter participating in one successful drug purchase and a second attempted purchase that was foiled by a robbery. The Defendant was paid a total of \$1,500 by the kingpin. Prior to the offense, the Defendant had no criminal history whatsoever, and in the fourteen years of his subsequent incarceration, he has been a model prisoner.

6. The Defendant's life sentences are drastically and disproportionately harsh in comparison to the sentences received by all the other participants in the conspiracy. The kingpin served less than eight years and was released eight years ago. His henchmen were released years before him. The only member of the

conspiracy still in prison is the supplier, who has a projected release date six years from now. Yet, Mr. Aaron, for his first-time, non-violent offense, was sentenced to serve his entire life in prison with no hope of release.

7. Because (a) the Defendant's crime, while serious, was clearly an aberration from the otherwise upstanding life he had lead before, and has led since, the crime, (b) the Defendant has taken full responsibility for his criminal conduct, and (c) the Guidelines life sentence originally imposed on the Defendant was vastly longer -- in effect, infinitely longer -- than the sentence of any of his co-conspirators, including the kingpin, it is respectfully submitted that this Court should resentence the Defendant pursuant to 18 U.S.C. § 3582(c)(2) to a sentence substantially shorter than life imprisonment.

In support of this motion, the Defendant relies upon the (1) the Memorandum In Support Of Defendant's Motion For Resentencing, and (2) the Appendix In Support Of Defendant's Motion For Resentencing, both submitted herewith.

WHEREFORE, the Defendant respectfully requests that:

1. The Court resentence the Defendant pursuant to 18 U.S.C. § 3582(c)(2);
2. Upon resentencing, the Court impose a sentence that is less than life imprisonment; and

3. Upon resentencing, the Court impose a sentence of fifteen years imprisonment.

Respectfully submitted,

CLARENCE AARON

By his attorneys,

Dated: May 23, 2008

s/ A. Hugh Scott

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Assistant United States Attorney Steven E. Butler, and any other counsel of record.

Respectfully submitted,

Dated: May 23, 2008

s/ Michael Viano, Jr.

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